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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of
IMPROVING COMMISSION PROCESSES

PP Docket No. 96-17

To: The Commission

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COMMENTS OF DEAN BROTHERS PUBLISHING
DBA FRYER'S SITE GUIDE

Dean Brothers Publishing dba Fryer's Site Guide ("Fryer") by and through counsel, hereby comments within the above captioned proceeding to provide its suggestions regarding the privatization of a given Commission function, namely Tower Registration. As demonstrated fully herein, the Commission's articulated goals in performing its tower registration duties are already performed by Fryer and the Commission's future action shall be duplicative of Fryer's ongoing efforts. Accordingly, it is logical for the Commission to out source this effort to Fryer.

Fryer's Business

Fryer is in the business of publishing a comprehensive directory of tower and rooftop antenna sites throughout the United States. Its efforts include the gathering of information regarding the name of tower owners and operators for publication. The publication created for this purpose is *Fryer's Site Guide*, which is employed by hundreds of telecommunications companies, site acquisition firms, federal government agencies, local government agencies, associations, system planners and designers, and persons seeking to sell products and services to owners and operators of antenna sites. The Commission itself has kept copies of the publication's regional directories in its library as a valuable reference source for its personnel.

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No other business, government agency, association or entity has compiled the amount of site data possessed by Fryer in its proprietary data base. No other entity has attempted or completed any similar project and *Fryer's Site Guide* is the unique source and repository of this information.¹

In the provision of its services, Fryer pioneered the use of on-line data services to provide site information to the industry and is presently moving its data onto the Internet to provide greater availability for its users. Accordingly, it would be a small matter for Fryer to provide such information electronically to the Commission following processing of registration forms from tower owners. The assignment of a tower registration number as an additional data field would also be simple, providing a ready system, which could quickly allow the Commission to out source this task without attendant delay.

Since the FCC began demanding tower owner information on its application forms, Fryer has been retrieving that information directly from the Commission's files. Therefore, its data base already contains a compilation of the information which the Commission has been gathering under its new application regime. The difference, however, is that Fryer does not accept the Commission's information on face value. Instead, the information is cross-checked against Fryer's more accurate data base to determine inconsistencies, omissions and inaccuracies in

¹ Fryer is aware that third parties have often attempted to duplicate its efforts by downloading data from its on-line service or entering directory data into private data bases. However, Fryer is confident that its position as the only primary source of such data and the copyright laws protecting such data would preclude any challenge to its claims made herein.

reporting. The net result is a bit staggering.

The majority of the information being received by the Commission pursuant to its application processes is incomplete, inaccurate or simply wrong. This condition threatens the integrity of the Commission's data bases and will continue to vex those Commission personnel which are charged with the duty to verify the accuracy of the data. Unlike Fryer, the Commission's personnel will have no way of knowing whether the information received is accurate, complete, or contradicts with other reliable sources.

In The Beginning

The decision to create *Fryer's Site Guide* was made in early 1991 as an extension of an existing publishing effort in the area of commercial real estate. The demand for antenna site data was increasing at an increasing rate, yet the industry lacked any reliable resource to find this information. The only sources, then available, were the data bases maintained by the Commission and the Federal Aviation Administration, which both agencies have admitted are woefully out of date and flawed.

Jim Fryer, principal of Dean Brothers Publishing and publisher of *Fryer's Site Guide*, set upon performing the unenviable task of first acquiring the FCC and FAA data bases, then "cleaning up" the data included within those sources. The research and effort necessary to provide reliable information sufficient to publish the first regional directory of Fryer's Site Guide took nine months. Since that time, *Fryer's Site Guide* has determined that nearly 20,000 of the

FAA and FCC records related to non-existent sites. However, Fryer also found that there existed at least 10,000 towers which did not appear in those data bases, and more than 20,000 other commercially viable sites which did not require FAA clearance and were, therefore, excluded from the FAA or FCC records.

Most importantly for the purpose of performing tower registration, Fryer early on determined that the one piece of information excluded from all official data bases was the name of the tower owner. Neither the FCC's nor the FAA's processes required that the actual owner of the tower be recorded. Accordingly, Fryer set out to add that vital information to his data base. Although there cannot be a builder of a data base which can claim that it has collected all information which is or might be available, Fryer has collected and possesses more confirmed tower owner information than any other entity, private or governmental.

The primary source of *Fryer's Site Guide's* data is acquisition of data from tower owners and managers who wish to have an accurate listing in the publication, which basic listing is free to all. Fryer has also obtained cooperation from industrial entities, local governments, the federal government, and owners of commercial real estate. In addition, Fryer employs a proprietary method of investigation to determine the identity of site owners. It is often tedious and difficult, but the acquisition of this information, often one record at a time, has allowed *Fryer's Site Guide* to be the one and only definitive source of tower information in the United States, without competition or peer. *Fryer's Site Guide* is not only the best, it is the only credible source of such information.

Tower Registration

Fryer filed comprehensive comments to the Commission's Tower Registration proceeding, offering hard lessons learned from its experience in compiling an even more ambitious data base than the Commission contemplates forming over a five-year period. Even at that time it was apparent to Fryer that the Commission was contemplating the performance of a function which was duplicative with the efforts expended daily in publishing *Fryer's Site Guide*. This duplicative effort, between private and governmental functions, begs the question of whether a dual effort is necessary or practical.

Fryer hereby states that it is in a unique position to take over the Tower Registration function and perform in a manner which would relieve the Commission of, in essence, a ministerial task.² Fryer has the resources, the computer network, the ability to pass the information electronically to the Commission for its records, and the incentive to assure the accuracy of each and every record. Such services could be provided to the public at a nominal fee, which would offset the cost of processing each registration and assuring its accurate inclusion in the Commission's data base. In addition, nothing to be performed by Fryer could be construed as a licensing function, since the registration program is merely a notification function. Thus, the Commission would not need to be concerned with the legal ramifications of out sourcing this particular task. In sum, the Commission would be the prime beneficiary of the most experienced compiler of site data, including the extensive data base which already

² Fryer does not own, manage or lease antenna sites. Fryer also does not own, manage or operate telecommunications systems. Accordingly, Fryer's performance of its duties would be neutral.

exists. This data base would provide a substantial head start to the Commission's efforts and could be employed to assure a more universal compliance with the Tower Registration program.

The Comparisons Are Telling

Since the publication of the first Fryer's Site Guide, Fryer has periodically obtained the government's magnetic tape information of tower data to compare its data against that which is gathered by the federal government's traditional methods. On average, the government only adds approximately 300 sites per year to the *Fryer's Site Guide* data base. In comparison, Fryer, employing other, non-governmental methods has added approximately 5,000 additional sites per year to its records. It is apparent that Fryer's methods far exceed the capacity of the federal government and have resulted in far better record gathering.

Equally important is the "dead wood" in the government data bases. During the first three years of publication, Fryer discarded information for one site, for every two added, due to the deconstruction of towers or the discovery that FAA Notifications of Intent to Construct a tower had not resulted in actual construction. Unfortunately, the government does not have the resources to perform the tasks already performed by Fryer and, given the nature of this proceeding, it is highly questionable as to whether it should attempt to catch up with Fryer's efforts.

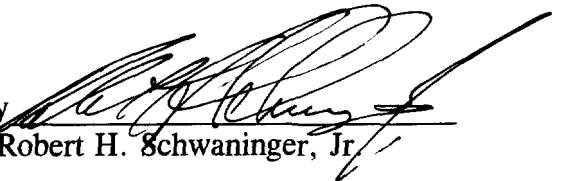
Conclusion

Fryer applauds the Commission's efforts to determine appropriate areas for privatization. Purely ministerial tasks, albeit necessary functions for the Commission, should be prime targets for this effort. Tower Registration is an excellent beginning for the Commission in streamlining its processes through out sourcing. Accordingly, Fryer hereby urges the Commission to take this step and allow Fryer to perform this task on behalf of the Commission at no cost to the Commission. Fryer already performs this effort and there is no valid reason why the Commission could not help itself to this considerable effort, thereby relieving itself of unnecessary costs, so that it can employ those saved resources to those functions which cannot be so easily privatized.

Fryer stands ready to assist the Commission in this effort and to participate fully in any rule making or bidding process which the Commission deems necessary to effect this effort.

Respectfully submitted,

DEAN BROTHERS PUBLISHING
DBA FRYER'S SITE GUIDE

By 
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Dated: 3/11/96

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